

INTERNATIONAL SEARCH REPORT

International Application No
PCT/GB2004/004446

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61K31/445 A61K31/395 A61K31/137 A61P29/00 A61P25/04
A61K31/165 A61K31/5513 A61K31/135 A61K31/381 A61K31/485

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K A61P

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, PAJ

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P, X	WO 03/092689 A1 (ARAKIS LTD; BREW, JOHN; BANNISTER, ROBIN, MARK; BAXTER, ANDREW, DOUGLA) 13 November 2003 (2003-11-13) abstract page 3, line 20	1-15
X	REDWINE KAREN E ET AL: "Effects of NMDA receptor antagonists on acute mu-opioid analgesia in the rat." PHARMACOLOGY BIOCHEMISTRY AND BEHAVIOR, vol. 76, no. 2, September 2003 (2003-09), pages 361-372, XP001205144 ISSN: 0091-3057 abstract	1-15

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
- *G* document member of the same patent family

Date of the actual completion of the international search

2 February 2005

Date of mailing of the international search report

28/02/2005

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Skjöldebrand, C

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C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	KOZELA E ET AL: "The effects of NMDA receptor antagonists on acute morphine antinociception in mice." AMINO ACIDS (VIENNA), vol. 23, no. 1-3, 2002, pages 163-168, XPO01205143 ISSN: 0939-4451 the whole document	1-15
X	BERNARDI M ET AL: "Blockage of the polyamine site of NMDA receptors produces antinociception and enhances the effect of morphine, in mice" EUROPEAN JOURNAL OF PHARMACOLOGY, AMSTERDAM, NL, vol. 298, no. 1, 1996, pages 51-55, XPO02309375 ISSN: 0014-2999 the whole document	1-15
X	PATENT ABSTRACTS OF JAPAN vol. 1999, no. 05, 31 May 1999 (1999-05-31) & JP 11 029476 A (GRELAN PHARMACEUT CO LTD), 2 February 1999 (1999-02-02) abstract	1-15
X	US 6 538 008 B1 (BOYCE SUSAN) 25 March 2003 (2003-03-25) abstract claims	1-15
X	WO 03/072057 A2 (BOARD OF REGENTS, THE UNIVERSITY OF TEXAS SYSTEM; HASSENBUSCH, SAMUEL,) 4 September 2003 (2003-09-04) abstract claims	1-15
X	WO 99/18967 A1 (PANOS THERAPEUTICS LIMITED; IVERSEN, LESLIE, LARS) 22 April 1999 (1999-04-22) abstract claims	1-15
X	WO 99/13799 A1 (EURO-CELTIQUE, S.A; BURCH, RONALD, M; GOLDENHEIM, PAUL, D; SACKLER, RI) 25 March 1999 (1999-03-25) abstract claims	1-15
X	US 5 543 434 A (WEG ET AL) 6 August 1996 (1996-08-06) column 10, lines 3-13 claims	1-15

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Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☒ Claims Nos.: 1-8, 10-15 (in part)
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box II.2

Claims Nos.: 1-8, 10-15 (in part)

The negative definition "non-opioid analgesic" define the drug by reference to a desired mechanism of action. Present claims 1-8 and 10-15 therefore relate to compounds defined by reference to a desirable characteristic or property. Hence, said claims relate to an extremely large number of possible compounds. The claims cover all compounds having this characteristic or property, whereas the application provides support within the meaning of Article 6 PCT and disclosure within the meaning of Article 5 PCT for only a very limited number of such compounds. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Independent of the above reasoning, the claims also lack clarity (Article 6 PCT). An attempt is made to define the compound by reference to a result to be achieved. Again, this lack of clarity in the present case is such as to render a meaningful search over the whole of the claimed scope impossible. Consequently, the search has been carried out for those parts of the application which do appear to be clear, concise and disclosed namely the compounds mentioned in claim 9.

For these reasons, only a fraction of the documents potentially novelty-destroying for the independent claims could be cited.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.

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Information on patent family members

International Application No

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Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 03092689	A1	13-11-2003	CA 2485115 A1 EP 1501510 A1	13-11-2003 02-02-2005
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Information on patent family members

International Application No

PCT/GB2004/004446

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 5543434 A		US 5989582 A	23-11-1999